

Karma M. Giulianelli (SBN 184175)  
karma.giulianelli@bartlitbeck.com  
**BARTLIT BECK LLP**  
1801 Wewetta St., Suite 1200  
Denver, Colorado 80202  
Telephone: (303) 592-3100

Hae Sung Nam (*pro hac vice*)  
hnam@kaplanfox.com  
**KAPLAN FOX & KILSHEIMER LLP**  
850 Third Avenue  
New York, NY 10022  
Tel.: (212) 687-1980

*Co-Lead Counsel for the Proposed Class in In re  
Google Play Consumer Antitrust Litigation*

Steve W. Berman (*pro hac vice*)  
steve@hbsslaw.com  
**HAGENS BERMAN SOBOL SHAPIRO LLP**  
1301 Second Ave., Suite 2000  
Seattle, WA 98101  
Telephone: (206) 623-7292

*Co-Lead Counsel for the Proposed Class in In re  
Google Play Developer Antitrust Litigation and  
Attorneys for Pure Sweat Basketball, Inc.*

Bonny E. Sweeney (SBN 176174)  
bsweeney@hausfeld.com  
**HAUSFELD LLP**  
600 Montgomery Street, Suite 3200  
San Francisco, CA 94104  
Telephone: (415) 633-1908

*Co-Lead Counsel for the Proposed Class in In re  
Google Play Developer Antitrust Litigation and  
Attorneys for Peekya App Services, Inc.*

[Additional counsel appear on signature page]

Paul J. Riehle (SBN 115199)  
paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH  
LLP**  
Four Embarcadero Center, 27th Floor  
San Francisco, CA 94111  
Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)  
cvarney@cravath.com  
**CRAVATH, SWAINE & MOORE LLP**  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000

*Counsel for Plaintiff Epic Games, Inc. in  
Epic Games, Inc. v. Google LLC et al.*

Brian C. Rocca (SBN 221576)  
brian.rocca@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 442-1000

Daniel M. Petrocelli, Bar No. 97802  
dpetrocelli@omm.com  
**O'MELVENY & MYERS LLP**  
1999 Avenue of the Stars, 7th Fl.  
Los Angeles, CA 90067-6035  
Telephone: (310) 553-6700

*Counsel for Defendants Google LLC et al.*

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION  
4

5 **IN RE GOOGLE PLAY STORE**  
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**JOINT CASE MANAGEMENT  
STATEMENT**

8 *Epic Games Inc. v. Google LLC et al.*, Case  
9 No. 3:20-cv-05671-JD

Date: July 22, 2021

Time: 10:00 a.m.

10 *In re Google Play Consumer Antitrust*  
11 *Litigation*, Case No. 3:20-cv-05761-JD

Courtroom: 11, 19th Floor (via Zoom)

Judge: Hon. James Donato

12 *In re Google Play Developer Antitrust*  
13 *Litigation*, Case No. 3:20-cv-05792-JD  
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Pursuant to this Court's Order dated July 7, 2021 (MDL ECF No. 52), the parties in the above-captioned MDL action ("the Parties"), by and through their undersigned counsel, submit this Joint Statement.

## **I. CASE STATUS SUMMARY**

### **A. Amendments to Epic's and Developer Plaintiffs' Complaints**

On July 2, 2021, Epic Games, Inc. ("Epic") and plaintiffs in *In re Google Play Developer Antitrust Litigation* ("Developer Plaintiffs") filed a Notice of Intent to Amend Complaints, indicating their intention to seek approval or consent to amend their respective complaints. MDL ECF 51. On July 7, 2021, the Court issued an order directing Epic and Developer Plaintiffs to file amended complaints by July 21, 2021. MDL ECF 52.

As set forth in the Notice to Amend, Plaintiffs in *In re Google Play Consumer Antitrust Litigation* ("Consumer Plaintiffs") were willing to stand on their operative complaint and move forward with a hearing on the motion to dismiss. However, in light of the Court's order vacating the hearing on the motion to dismiss and directing the Parties to coordinate briefing on motions to dismiss each of plaintiffs' complaints, Consumer Plaintiffs have decided to align with Epic and Developer Plaintiffs and amend their complaint by July 21, 2021. Consumer Plaintiffs have informed Google of their position.

### **B. New Related Action Filed on July 7, 2021**

On July 7, 2021, *State of Utah et al. v. Google LLC et al.*, No. 3:21-cv-05227-JSC was filed in this District (the "States Action"). The Parties in the MDL action agree that the States Action meets the standard for related cases under Civil L.R. 3-12. We understand the plaintiffs in the States Action are preparing to file an Administrative Motion to Consider Whether Cases Should be Related. The Parties will meet and confer with counsel in the States Action regarding pretrial coordination.

### **C. Google's Motion to Dismiss**

On November 13, 2020, Google filed a motion to dismiss Epic's and Developer Plaintiffs' complaints, and the Court set the motion for hearing on February 18, 2021. Epic Case

ECF 91, 114; Developer Case ECF 71, 84. To streamline motion proceedings, the Parties stipulated that the Consumer Plaintiffs shall be deemed to join and be subject to the omnibus briefing already on file with the Court. MDL ECF 8 at 1-2; MDL ECF 11 at 2-3. The motion to dismiss was reset for hearing on July 22, 2021. MDL ECF 43. In light of Epic's and Developer Plaintiffs' request to amend their complaints, the Court vacated the July 22, 2021 hearing date and directed the parties to brief any motions to dismiss the amended complaints, as well as the Consumer Plaintiffs' complaint, on a coordinated basis. MDL ECF 52.

The Parties in the MDL propose the following schedule for coordinated omnibus briefing on Google's motion to dismiss all actions in the MDL:

<b>Proposed Motion to Dismiss Schedule</b>	
<b>Event</b>	<b>Date</b>
Amended Complaints	July 21
Motion to Dismiss	August 20
Opposition	September 21
Reply	October 1
Hearing	October 14

#### **D. Joint Statement Regarding Proposed Case Schedule**

Pursuant to this Court's order dated May 14, 2021 (MDL ECF 39), the Parties in the MDL submitted a Joint Statement regarding the Parties' proposed case schedule (MDL ECF 46). Counsel for the Parties in the MDL intend to meet and confer, including with the parties in the States Action, regarding a proposed case schedule and aim to submit a further Joint Statement on Scheduling to the Court by July 29, 2021, or as otherwise directed by the Court.

## **II. STATUS OF DISCOVERY**

### **A. Stipulation and Proposed Order re Expert Discovery.**

On July 9, 2021, the Parties submitted a proposed order regarding expert discovery and request that the Court enter it on all dockets. MDL ECF 54.

**B. Fact Depositions**

The Parties have agreed to commence a meet and confer process regarding fact depositions and anticipate submitting a stipulated deposition coordination order, or their respective positions, within 30 days.

**C. Document Discovery Update**

The Parties have made significant progress to date and continue to engage in discovery on a range of topics. The Parties each represent they have completed substantial production of custodian documents, although there are meet and confers underway to address additional categories of information, additional custodians, targeted “refresh” productions, and other productions that require additional time to manage, e.g., transactional data and documents subject to a non-disclosure agreement or privilege log processes.

Dated: July 15, 2021

CRAVATH, SWAINE & MOORE LLP

Christine Varney (*pro hac vice*)

Katherine B. Forrest (*pro hac vice*)

Darin P. McAtee (*pro hac vice*)

Gary A. Bornstein (*pro hac vice*)

Timothy G. Cameron (*pro hac vice*)

Yonatan Even (*pro hac vice*)

Lauren A. Moskowitz (*pro hac vice*)

Omid H. Nasab (*pro hac vice*)

Justin C. Clarke (*pro hac vice*)

M. Brent Byars (*pro hac vice*)

FAEGRE DRINKER BIDDLE & REATH LLP

Paul J. Riehle (SBN 115199)

Respectfully submitted,

By: /s/ Yonatan Even

Yonatan Even

*Counsel for Plaintiff Epic Games, Inc.*

1 Dated: July 15, 2021

BARTLIT BECK LLP  
Karma M. Giulianelli

3 KAPLAN FOX & KILSHEIMER LLP  
4 Hae Sung Nam

5 Respectfully submitted,

6 By: /s/ Karma M. Giulianelli

7 Karma M. Giulianelli

8 *Co-Lead Counsel for the Proposed Class in*  
9 *In re Google Play Consumer Antitrust*  
10 *Litigation*

11 Dated: July 15, 2021

PRITZKER LEVINE LLP  
Elizabeth C. Pritzker

13 Respectfully submitted,

14 By: /s/ Elizabeth C. Pritzker

15 Elizabeth C. Pritzker

16 *Liaison Counsel for the Proposed Class in*  
17 *In re Google Play Consumer Antitrust*  
18 *Litigation*

1 Dated: July 15, 2021

HAGENS BERMAN SOBOL SHAPIRO LLP  
Steve W. Berman  
Robert F. Lopez  
Benjamin J. Siegel

2  
3  
4 SPERLING & SLATER PC  
Joseph M. Vanek  
Eamon P. Kelly  
5 Alberto Rodriguez  
6

7 Respectfully submitted,

8 By: /s/ Steve W. Berman  
9 Steve W. Berman

10 *Co-Lead Interim Class Counsel for the*  
11 *Developer Class and Attorneys for Plaintiff*  
12 *Pure Sweat Basketball*

13 Dated: July 15, 2021

14 HAUSFELD LLP  
Bonny E. Sweeney  
Melinda R. Coolidge  
15 Katie R. Beran  
Scott A. Martin  
16 Irving Scher  
17

18 Respectfully submitted,

19 By: /s/ Bonny E. Sweeney  
20 Bonny E. Sweeney

21 *Co-Lead Interim Class Counsel for the*  
22 *Developer Class and Attorneys for Plaintiff*  
23 *Peekya App Services, Inc.*  
24  
25  
26  
27  
28

1 Dated: July 15, 2021

MORGAN, LEWIS & BOCKIUS LLP

Brian C. Rocca  
Sujal J. Shah  
Michelle Park Chiu  
Minna L. Naranjo  
Rishi P. Satia

5 Respectfully submitted,

6 By: /s/ Brian C. Rocca

7 Brian C. Rocca

8 *Counsel for Defendants Google LLC et al.*

10 Dated: July 15, 2021

O'MELVENY & MYERS LLP

Daniel M. Petrocelli  
Ian Simmons  
Benjamin G. Bradshaw  
E. Clay Marquez  
Stephen J. McIntyre

15 Respectfully submitted,

16 By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

18 *Counsel for Defendants Google LLC et al.*



**E-FILING ATTESTATION**

I, Brian C. Rocca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Brian C. Rocca

Brian C. Rocca